

# Exhibit P-12

ELIZABETH HERNANDEZ vs ROB KOLKMAN  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF UTAH CENTRAL DIVISION  
3

4 \* \* \* \* \*

CERTIFIED COPY

5 ELIZABETH HERNANDEZ,  
6 Plaintiff,

Case Number: 2:23-cv-00772  
Judge: Jill N. Parrish

7 v.

8 ROB KOLKMAN, CONSTABLE KOLKMAN  
9 LLC, and JOHN DOES 1-5,

Magistrate Judge:  
Daphne A. Oberg

10 Defendants.  
11 \* \* \* \* \*

12  
13 DEPOSITION OF  
14 Rob Kolkman  
15 April 22, 2024  
16  
17

18 CONTAINS CONFIDENTIAL TESTIMONY  
19  
20  
21  
22  
23

24 Reported by: Spencer Von Jarrett, RPR No. 993793  
25

ELIZABETH HERNANDEZ vs ROB KOLKMAN  
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<p style="text-align: right;">Page 2</p> <p>1 Deposition of Rob Kolkman, taken on April 22, 2024 at 10:00 a.m. 2 at the offices of JD Legal Support, 2901 W. Bluegrass Blvd, 3 Suite 200, Lehi, UT 84043, before Spencer Von Jarrett, Certified 4 Court Reporter, in and for the State of Utah. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>Eric Stephenson (9779) STEPHENSON LAW FIRM 250 North Redcliffs Drive, 4B #254 Saint George, Utah 84790 ericstephenson@utahjustice.com Attorney for Plaintiff Christopher Hill KIRTON McCONKIE 36 S. State St., Ste. 1900 Salt Lake City, UT 84111 CHill@kmcclaw.com Attorney for the Defendants</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>[On the record at 10:01 a.m.] [Appearances noted.] ROB KOLKMAN, a witness herin, having been administered an oath, was examined and testified as follows. EXAMINATION BY MR. STEPHENSON: Q. State your name, please. A. You need to speak up. I'm a little hard of hearing and there is an echo. Q. The echo is driving me crazy already. A. Okay. Q. Can you tell us your name. A. Rob Kolkman. Q. Is that your full true name? A. Yes. Q. Do you have any aliases you go by? A. No. Q. And what company do you work for? A. Constable Kolkman. Q. Is that the full title of the company? A. Constable Kolkman LLC. Q. Okay. Do you own any other companies? A. Yes.</p>
<p style="text-align: right;">Page 3</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">I N D E X</p> <p>WITNESS: Rob Kolkman EXAMINATION By: Mr. Stephenson EXHIBITS NUMBER DESCRIPTION PAGE CONFIDENTIAL PAGE LINE 18 - 25 21 - 10 22 - 1 23 - 25 24 - 22 25 - 19 26 - 9 29 - 8</p>	<p style="text-align: right;">Page 5</p> <p>1 Q. What are the names of those companies? 2 A. Let's see -- Kolkman Constable Services. 3 Q. Is that all? 4 A. Yeah. 5 Q. Okay. And what is your title at Kolkman -- Constable 6 Kolkman LLC, is it? 7 A. Yeah. 8 Q. What's your title there? 9 A. Owner. 10 Q. And who else owns that with you? 11 A. No one. 12 Q. So let me talk about depositions and how to do this. 13 Have you been deposed before? 14 A. No. 15 Q. What did you do to prepare for today's deposition? 16 A. Looked at some notes. 17 Q. What notes did you look at? 18 A. The ones that were in my computer. 19 Q. What were they specifically? 20 MR. HILL: Objection. Vague. 21 You can answer to the best of your ability. 22 Q. Your answer didn't tell me what the notes were. 23 Were they notes taken by you or by somebody else? 24 A. They were notes taken by someone else. 25 Q. Who took those notes?</p>

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1 MR. HILL: Objection, foundation.  
2 You can answer.  
3 A. I believe it was either -- it could have been Andrea and  
4 Cory.  
5 Q. Okay. And who is Andrea?  
6 A. She is an employee.  
7 Q. What's her last name?  
8 A. Dobson [phonetic].  
9 Q. And Cory is Cory Revel [phonetic]?  
10 A. Correct.  
11 Q. Okay. And what do those notes tell you?  
12 A. A rough outline.  
13 MR. HILL: Objection, vague.  
14 You can answer.  
15 A. Just a rough outline of what occurred in any  
16 conversations.  
17 Q. And have those notes been produced in discovery?  
18 A. I don't know.  
19 Q. Are they handwritten or typed?  
20 A. Typed.  
21 Q. Do they have a date of their creation on them?  
22 A. I believe so.  
23 Q. Do you know what the date is, what the date is on those?  
24 A. Right off the top of my head, no.  
25 Q. How would I identify those notes when I ask for them in

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1 later discovery requests; what would I call those notes?  
2 What do you call those notes?  
3 A. They're just a timeline of kind of what occurred when we  
4 had communications.  
5 Q. Okay. So I'm going to call them the timeline and  
6 communications notes in case we need to speak about them later.  
7 Is that fair?  
8 A. Sure.  
9 Q. Okay. And then when I request them in discovery, you'll  
10 know what I'm asking for -- your counsel will.  
11 Okay. Did you bring a copy of those notes with you  
12 today?  
13 A. I did not.  
14 Q. Now who did you talk to prepare for this case -- this  
15 deposition, specifically?  
16 A. My attorney.  
17 Q. Which attorney?  
18 A. Chris Hill.  
19 Q. Did you speak to anyone else?  
20 A. No.  
21 Q. Did you talk to Cory or Andrea?  
22 A. Correction: I did tell them I was being deposed on the  
23 Hernandez case.  
24 Q. Did they help you prepare for this deposition by talking  
25 to you and telling you anything?

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1 A. No, not really.  
2 Q. When you say not really, is that an absolute no, or is  
3 that, "They said something but it's not important."?  
4 A. We'd already had communications back and forth.  
5 Q. Okay. And those communications were -- what were those  
6 specific communications: what did they say to you?  
7 A. What occurred.  
8 Q. Okay. Basically what was already in the notes?  
9 A. Yes.  
10 Q. Did they give you any information that was not in the  
11 notes?  
12 A. No.  
13 Q. Okay. So now, in a deposition you understand that you  
14 just took an oath to tell the truth and you're under penalty of  
15 perjury; correct?  
16 A. Yes.  
17 Q. And do you understand that includes answering the  
18 question I asked, not changing the question by answering a  
19 different question?  
20 A. Okay.  
21 Q. And you know that that you can't -- when your oath is to  
22 tell the truth the whole truth and nothing but the truth, it means  
23 you don't leave out important details; correct?  
24 A. Okay.  
25 Q. And you agree that that your role here is not to argue

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1 with me about a question or an answer, it's just to answer the  
2 questions?  
3 A. Yes.  
4 Q. Is there anything right now that you would say is  
5 hindering your ability to answer questions truthfully honestly and  
6 fully today?  
7 A. No.  
8 Q. Okay. So tell me the name of your company again: it was  
9 Kolkman LLC; Rob Kolkman LLC?  
10 A. Constable Kolkman --  
11 MR. HILL: Objection, asked and answered and misstates  
12 prior testimony.  
13 You can answer.  
14 MR. STEPHENSON: What was I misstating about? He told  
15 me the name of his company; what was I misstating?  
16 I want to be sure I get it right.  
17 MR. HILL: Well, not to get into argument in the course  
18 of a deposition, but he testified there were two companies and you  
19 asked the question is if there was a single company. That could  
20 be misleading.  
21 MR. STEPHENSON: Okay. That's --  
22 BY MR. STEPHENSON:  
23 Q. We're talking about one company here at this point:  
24 we're talking about Constable Kolkman LLC.  
25 That's the main company, correct?



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1 A. Correct.

2 Q. Okay. And how long have you owned that company?

3 A. About a year.

4 Q. And what does Constable Kolkman LLC do that's different

5 from your other company?

6 MR. HILL: I'm going to object on the grounds that it's

7 beyond the scope of discovery or relevance in this action.

8 You can answer.

9 A. We mainly focus on writs of execution.

10 Q. And the other company focuses on what?

11 MR. HILL: Same objection: beyond the scope of

12 discovery.

13 You can answer.

14 A. Can you -- I didn't hear.

15 Q. Yeah. And your other company, what does it do?

16 MR. HILL: Same objection.

17 Go ahead.

18 A. It serves all kinds of legal process including writs of

19 execution.

20 Q. Okay. And so Constable Kolkman LLC is specifically

21 targeted, though, at writs of execution only?

22 A. Constable Kolkman.

23 Q. Constable Kolkman LLC?

24 A. Yeah.

25 Q. That's just writs of execution?

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1 A. Pretty much.

2 Q. Okay. And when you say one year, are you approximating

3 that? Or how close to a year are we; is it one year exactly or

4 one year three months?

5 A. I think it was January of '23.

6 Q. And what is your position at that company; just owner,

7 or do you have another title?

8 A. Owner.

9 Q. What are your duties and responsibilities for Constable

10 Kolkman LLC?

11 A. To keep an eye on the daily activity.

12 Q. Is keep an eye on -- can I call that management?

13 A. Yes.

14 Q. And what else do you do for Constable Kolkman LLC?

15 A. I take care of the books.

16 Q. Okay. So you manage.

17 A. Payroll.

18 Q. Oh sorry, go ahead.

19 A. Take care of the books, the payroll.

20 Q. Okay. And other than the books and the payroll and

21 managing the daily operations, what else do you do for Constable

22 Kolkman LLC?

23 A. I research some of the executions. I go out and observe

24 any property that we may be looking at and have conversations with

25 the employees on where we're going on different writs.

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1 Q. Okay. Other than talking to the employees, observing

2 property, handling the books and payroll, managing daily activity,

3 what else do you do for Constable Kolkman LLC?

4 A. That's about it.

5 Q. And the other company -- I forgot the name, so would you

6 tell me that again?

7 A. Kolkman Constable Services.

8 Q. And Kolkman Constable Services: what do you do for that

9 company?

10 MR. HILL: Objection. Irrelevant, outside the scope of

11 discovery.

12 You can answer.

13 MR. STEPHENSON: I'm going to stop you real quick,

14 because that's the third time you've objected for relevancy and

15 it's not a proper objection for a deposition. It's one of those

16 depositions that's reserved, so.

17 MR. HILL: I'm going to amend my objection: because it

18 is outside the scope of discovery, it is intended to annoy,

19 harass -- or only intended to annoy/harass the witness which is a

20 proper objection.

21 And you can answer the question.

22 THE WITNESS: Could you ask the question again?

23 BY MR. STEPHENSON:

24 Q. Kolkman Constable Services: what do you do for that

25 company?

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1 A. I service. It's a one-man operation, I do it all.

2 Q. Can you give me an example of what you do?

3 A. I serve the papers, I bill the papers, I pay the bills.

4 Q. And what kind of papers do you serve for that company,

5 for Kolkman Constable Services?

6 A. Legal process.

7 Q. Okay. And other than serving legal process, handling

8 the bills and that sort of thing, what do you do for Kolkman

9 Constable Services?

10 A. That's it.

11 Q. Briefly, let's touch on Wasatch Constables.

12 You used to work for Wasatch Constables?

13 A. Yes.

14 Q. Did you own part of Wasatch Constables?

15 A. Yes.

16 Q. And how much of it did you own?

17 A. At one point, 50 percent.

18 Q. Okay. 50 percent or 0.5 -- 50 percent, right?

19 A. Correct.

20 Q. Okay. And who did you own Wasatch Constables with?

21 A. Steve Maese.

22 Q. Will you spell Maese for the court reporter?

23 A. M-A-E-S-E.

24 Q. Is he a constable?

25 A. No.



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1 Q. Does he still own the company?

2 A. As far as I know.

3 Q. Do you still own the company?

4 A. No.

5 Q. When did you sell your share of Wasatch Constables?

6 A. I did not sell it.

7 Q. How did you lose 50 percent of the company?

8 A. I walked away.

9 Q. Why did you walk away from Wasatch Constables?

10 MR. HILL: Objection. Beyond the scope; therefore, the

11 question is designed to annoy or harass the witness.

12 You can answer.

13 A. I found that the partner was becoming an extreme

14 liability and we didn't get along.

15 Q. Steve Maese?

16 A. Correct.

17 Q. When did you walk away?

18 A. I think it was October 1st, 2019.

19 Q. So from October 1st 2019 when you walked away from

20 Wasatch Constables, you then worked for Kolkman Constable

21 Services.

22 Is that right?

23 A. Correct.

24 Q. And that went -- and that's ongoing, right now?

25 A. Yes.

Page 15

1 Q. Okay. And then a year ago in January of 2023 you

2 started a new company, Constable Kolkman LLC.

3 A. Correct.

4 Q. Okay. How many Constables are employed at Kolkman

5 Constable Services?

6 A. Constables or deputies?

7 Q. Start with Constables.

8 A. One.

9 Q. You?

10 A. Yes.

11 Q. And how many deputies?

12 A. Two part-time.

13 Q. Their names?

14 A. Chris Stewart [phonetic] and -- I just went blank on

15 him. I'm picturing him.

16 Q. It's not Cory Revel?

17 A. No. It's Tyler Plowman [phonetic].

18 Q. Okay. And they are deputies, meaning that they work

19 under your supervision?

20 A. Yes.

21 Q. Okay. You're an Ogden City Constable?

22 A. Correct.

23 Q. And Chris Stewart and Tyler Plowman are both deputies

24 under that same --

25 A. Under me.

Page 16

1 Q. Okay. And I'm trying to think of the word.

2 Would it be authorization or appointment; appointment

3 for Ogden City, right?

4 MR. HILL: Objection to the extent it calls for a legal

5 conclusion or for foundation.

6 You can answer the best of your ability.

7 Q. Let me stop you there before you answer that.

8 Do you know whether or not you're appointed or some

9 other name for your ability to be a Constable for Ogden City?

10 A. I'm appointed.

11 Q. Okay. You don't need to be a lawyer to know that.

12 A. I'm appointed; they're deputized.

13 Q. Okay. Under your appointment only?

14 A. Yes.

15 Q. Okay. How many employees does Constable Kolkman

16 Services have that are not constables or deputies?

17 A. Five.

18 Q. And how many employees does Constable Kolkman LLC have,

19 other than you?

20 A. Run that one past me again.

21 Q. Constable Kolkman LLC, your other company: there's you,

22 but then how many employees does that company have?

23 A. Myself and maybe, part-time, one.

24 Q. Okay. You and one part-time.

25 And who is that part-timer?

Page 17

1 A. Chris Stewart.

2 Q. Okay. Let's circle back on Cory Revel, then.

3 Which company does he work for?

4 A. Constable Kolkman.

5 Q. Okay. But you just said there was only one employee

6 under you, Chris Stewart.

7 A. For Kolkman Constable Services: I thought that's what

8 you meant.

9 Q. No, I'm more confused now.

10 A. So am I.

11 Q. Okay. So who does Cory work for; which company?

12 A. Constable Kolkman.

13 Q. Constable Kolkman LLC. Okay.

14 Constable Kolkman LLC then has you, Chris Stewart as a

15 part-time employee, and then Cory Revel also.

16 A. Yes. And others.

17 Q. Oh, others. Who else; how many others?

18 A. Probably five.

19 Q. Okay. Are they the same five that work for Kolkman

20 Constable Services?

21 A. No.

22 Q. Okay. So between the two companies, you've got roughly

23 10 employees under you?

24 A. Probably roughly.

25 Q. Do these two companies keep a separate office from each



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1 other?

2 A. Depends where I'm at.

3 Q. Do the two companies keep separate bank accounts?

4 A. Yes.

5 Q. And do you get separate paychecks from the two

6 companies?

7 A. I wish I got one from both, but I don't.

8 Q. Okay. Which company pays you?

9 A. Constable Kolkman.

10 Q. And why don't you get paid from Kolkman Constable

11 Services?

12 MR. HILL: Objection. It's beyond the scope of

13 discovery and disproportionate to the matter in this case, and as

14 a result is only intended to harass or annoy the witness.

15 I will allow the witness to answer the question, but I'm

16 going to ask the court reporter to designate that portion of the

17 transcript as confidential under the court's standard protective

18 order.

19 MR. STEPHENSON: I'll object to that.

20 BY MR. STEPHENSON:

21 Q. Go ahead and answer.

22 A. What was the question again?

23 Q. Why don't you get paid any money from Kolkman Constable

24 Services?

25 [The following testimony deemed confidential.]

Page 19

1 A. [REDACTED]

2 [REDACTED]

3 [End of confidential testimony.]

4 Q. Most of your efforts are spent for Kolkman -- I'm sorry,

5 for Constable Kolkman LLC?

6 A. Yes.

7 Q. How many of these 10 employees for these two companies

8 came to you from Wasatch Constables?

9 A. Two.

10 Q. Who were those two?

11 A. Chris Stewart and Tyler Plowman.

12 Q. How many of -- well, let's go back to it.

13 How did Constable Kolkman LLC begin; did you buy that

14 company from someone else with a different name, or did you just

15 start it from scratch?

16 A. Started it from -- which one?

17 Q. Constable Kolkman LLC, the one you started in January of

18 2023.

19 A. I was approached from another individual that had it

20 before and I took it over.

21 Q. And did you -- that was Michael Erickson [phonetic] that

22 approached you?

23 A. In a roundabout way.

24 Q. Go ahead.

25 A. No, go ahead.

Page 20

1 Q. I thought you were going to say more.

2 Okay. So you obtained that business from Michael

3 Erickson, though?

4 A. Yes.

5 Q. And who approached you about taking it over for Michael

6 Erickson?

7 A. John Sindt.

8 Q. And that's spelled S-I-N-D-T?

9 A. Yes.

10 Q. He's a constable?

11 A. No.

12 Q. Oh, who's John Sindt, then?

13 A. He's John Sindt.

14 Q. Okay. Does he work for you or for Michael Erickson?

15 A. He doesn't work for me, and I don't think he worked for

16 Mike.

17 Q. Okay. I thought that he was a constable, and you're

18 telling me he's not?

19 A. He was at one time.

20 Q. He was, okay.

21 And when did he stop being a constable?

22 MR. HILL: Objection, foundation.

23 MR. STEPHENSON: The foundation is laid: he said he

24 doesn't work as a constable anymore.

25 BY MR. STEPHENSON:

Page 21

1 Q. Go ahead.

2 A. I couldn't tell you exactly when he quit.

3 Q. Okay. You're friends with him?

4 A. I know him, yes.

5 Q. Okay. And did you know Michael Erickson before John

6 Sindt contacted you to take over Michael Erickson's business?

7 A. Yeah.

8 Q. Okay. And what was the arrangement for taking over

9 Michael Erickson's business?

10 [The following testimony deemed confidential.]

11 A. [REDACTED]

12 [REDACTED]

13 [End of confidential testimony.]

14 MR. HILL: I'm going to move to designate or request

15 that the court reporter designate the answer to that question as

16 confidential in the protective order.

17 MR. STEPHENSON: And I'll object.

18 BY MR. STEPHENSON:

19 Q. Okay. And health issues meaning he wanted to stop?

20 A. Pardon?

21 Q. Health issues meaning Michael Erickson wanted to stop

22 conducting business altogether, or scale it back?

23 A. I don't know what he was going to do afterwards.

24 Q. What specific business did you take over from Michael

25 Erickson?



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1 [The following testimony deemed confidential.]

2 A. [REDACTED]

3 [End of confidential testimony.]

4 Q. And that was why you started?

5 MR. HILL: I'm going to request the answer be designated

6 confidential in the protective order.

7 MR. STEPHENSON: I'm going to ask you to stop doing

8 that, because this is a deposition where I'm entitled to ask

9 questions freely.

10 MR. HILL: I'm not objecting to your entitlement to ask

11 questions, but I have an obligation to designate confidential

12 material at the time the answer is provided.

13 We'll waive that -- and I'm not willing to waive that

14 designation.

15 MR. STEPHENSON: Okay. Well, there's nothing

16 confidential about why he took over a business or what he took

17 over.

18 MR. HILL: That is going to be for the judge to decide

19 if and when it becomes appropriate. But I'm not going to stop

20 raising the -- or protecting what we're entitled to protect under

21 the protective order.

22 BY MR. STEPHENSON:

23 Q. Okay. So you took over the writ of execution side of

24 Michael Erickson's business, correct?

25 A. I believe so, yeah.

Page 23

1 Q. And that means what?

2 Explain exactly what you mean by taking over that writ

3 of execution part.

4 A. We started handling the writ of executions.

5 Q. Let's make sure we're on the same page here:

6 When you say handling the writ of executions, you mean

7 in a different way than you were handling them before January of

8 2023, correct?

9 A. No.

10 Q. Okay. So before January of 2023, when you started this

11 new company, your other company was handling writs of execution

12 the same way it is now, or the same way the new company is now?

13 A. It varied on each circumstance.

14 Q. Okay. Is Constable Kolkman LLC doing anything

15 business-like or business-wise different than Kolkman Constable

16 Services did before you started the new company?

17 A. Each circumstance had a different issue, so no.

18 Q. Okay. So Kolkman Constable Services was collecting

19 payments on executions before Constable Kolkman LLC started

20 collecting payments on executions?

21 MR. HILL: I'm going to object on the grounds that it's

22 beyond the scope and disproportionate. As a result, it's only

23 intended to harass or annoy the witness.

24 You can answer.

25 [The following testimony deemed confidential.]

Page 24

1 A. [REDACTED]

2 [End of confidential testimony.]

3 MR. HILL: And I'm going to move to designate that

4 answer of the deposition transcript as confidential.

5 Q. What factors did you consider when considering whether

6 to take over Michael Erickson's business?

7 A. I needed the work.

8 Q. The serving papers under Kolkman Constable Services

9 wasn't as much as you wanted to have being done?

10 A. Yeah.

11 Q. You saw taking over Michael Erickson's business as a

12 growth of your professional business?

13 A. Yes.

14 Q. Did Michael Erickson tell you how much money to expect

15 you would make taking over his business?

16 A. Not really.

17 Q. What parts of his business did you take from Michael

18 Erickson?

19 Specifically, let's start with -- you took over his

20 letters, right -- the letter templates look the same to me.

21 Did you get those from Michael Erickson?

22 [The following testimony deemed confidential.]

23 A. [REDACTED]

24 [End of confidential testimony.]

25 MR. HILL: I'm going to designate that portion of that

Page 25

1 answer in the deposition transcript as confidential.

2 MR. STEPHENSON: Yeah, we're going to stop doing this.

3 That's not confidential. And if you keep doing that on

4 answers that are not confidential -- let's mark that one, put the

5 word purple there.

6 We're going to come back to that, because I'm going to

7 call a judge if you keep doing that with stuff that's not -- I

8 mean, health issues, even that shouldn't be.

9 You can take up confidentiality issues later if you

10 want.

11 MR. HILL: But I have to preserve it during the

12 deposition.

13 MR. STEPHENSON: Yeah, I know.

14 Let's do this.

15 BY MR. STEPHENSON:

16 Q. Let me ask you this.

17 You took over the letter templates from Michael

18 Erickson, correct?

19 [The following testimony deemed confidential.]

20 A. [REDACTED]

21 [End of confidential testimony.]

22 Q. What else did you take over from Michael Erickson?

23 MR. HILL: And I'm going to -- same objection.

24 MR. STEPHENSON: Same objection.

25 Q. What else did you take over from Michael Erickson?



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1 A. I'm not sure what you're asking.  
2 Q. Well, when you took over Michael Erickson's business,  
3 you took over clients?  
4 A. Yes.  
5 Q. What clients did you take over?  
6 A. There were several. Which ones do you want to know  
7 about?  
8 Q. I would like you to name each one, please.  
9 [The following testimony deemed confidential.]  
10 A. [REDACTED]

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1 execution?  
2 A. Now I'm starting to get confused.  
3 Q. I'm sorry. Kolkman Constable Services, that's the  
4 company that serves papers?  
5 A. Yeah.  
6 Q. Does it execute writs of execution?  
7 A. Yes.  
8 Q. And Kolkman Constable LLC, that's the new company: that  
9 executes writs of execution?  
10 A. Correct.  
11 Q. Okay. What's the difference between the two companies  
12 and how they do their -- how they execute writs of execution?  
13 A. Nothing.  
14 Q. Okay. So Mountain Land, Cherrington, Olson Shaner, and  
15 NAR: which company do they hire when they want writs of execution  
16 executed?  
17 A. Do they hire?  
18 Q. Yeah.  
19 A. They are clients of ours.  
20 Q. Okay. Which company, though?  
21 A. Constable Kolkman.  
22 Q. Constable Kolkman LLC, the new one?  
23 A. Yeah.  
24 Q. Okay. And then who does Kolkman Constable Services, the  
25 old company: who does it execute writs for?

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1 A. Different clients.  
2 Q. What clients does Kolkman Constable Services execute  
3 writs of execution for?  
4 MR. HILL: I'm going to object on the grounds that  
5 that's beyond the scope, it's not relevant, disproportionate, it's  
6 only intended to harass/annoy this witness.  
7 You can answer.  
8 [The following testimony deemed confidential.]  
9 A. [REDACTED]

14 [End of confidential testimony.]  
15 MR. HILL: Again, designating confidential.  
16 We can --  
17 MR. STEPHENSON: Yeah, we're going to call the judge.  
18 Let's go off the record.  
19 [Off the record at 10:33 a.m.]  
20 [Back on record at 10:41 a.m.]  
21 BY MR. STEPHENSON:  
22 Q. Okay. So let's go to Kolkman Constable Services: does  
23 it execute writs of execution?  
24 A. Yes.  
25 Q. And Constable Kolkman LLC: does it execute writs of

15 [End of confidential testimony.]  
16 MR. HILL: I'm going to move -- I'm going to designate  
17 that portion of the deposition transcript as confidential under  
18 the protective order.  
19 MR. STEPHENSON: Purple.  
20 What exactly is confidential about that information?  
21 MR. HILL: Again, for purposes of meet and confer only,  
22 not to argue, you are asking an individual witness information  
23 about the clients of a non-party to this action. That non-party  
24 entity is entitled to maintain its client relationships as  
25 confidential.



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1 MR. STEPHENSON: But what is confidential about that?

2 MR. HILL: The existence of an identity of its client

3 relationships.

4 BY MR. STEPHENSON:

5 Q. Okay. Mr. Kolkman, when you execute a writ for LeBaron

6 and Jensen, is their name on the writ?

7 A. What do you mean on the writ?

8 Q. Well, you know what a writ of execution looks like, of

9 course.

10 A. I've seen one.

11 Q. Okay. You've seen hundreds, thousands, right?

12 It's not a mystery.

13 A. Okay.

14 Q. Correct?

15 A. Yeah.

16 Q. Okay. And when LeBaron and Jensen gives you a writ of

17 execution to execute, their name is on that writ, correct?

18 A. I just need a little clarification.

19 Are you saying on the writ as a plaintiff or defendant

20 or as the attorneys?

21 Q. Anywhere on the writ.

22 A. It is on the writ.

23 Q. Okay. So the fact that LeBaron and Jensen is your

24 client is not a secret at all, is it?

25 MR. HILL: Objection. Misstates his testimony.

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1 And you can answer -- well, you can answer the best of

2 your understanding.

3 A. I'm trying to think here, and I'm not trying to be

4 deceitful.

5 Just to make it simpler, yeah.

6 Q. Okay. And is there --

7 Okay. When you execute a writ of execution, you hand

8 papers to a person who is subject to that writ, correct?

9 MR. HILL: I'm going to object again that this is beyond

10 the scope of relevance or proportionality in this action and is

11 therefore only intended to annoy or harass the witness.

12 You can answer the best of your understanding.

13 MR. STEPHENSON: Hang on.

14 You really want to say that I'm asking an irrelevant

15 question and harassing the witness by asking him how he executes a

16 writ of execution; is that your objection?

17 MR. HILL: How he -- as you well know, this has been the

18 subject of meet and confer discussions in other discovery disputes

19 in this case and other cases.

20 Mr. Kolkman's conduct with respect to other -- how he

21 handles the service of other documents in other cases unrelated to

22 this case is established in other jurisdictions as not within the

23 scope of relevance of this action.

24 We've seen no authority from you countering those

25 positions.

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1 And so yes, we believe that that is not relevant. And

2 as a result of being disproportionate, it's only purpose is to

3 annoy or harass the witness.

4 That is the subject of ongoing meet and confers and

5 disputes over the scope of what is permitted in discovery.

6 We've seen no contrary authority from you to that point.

7 And I am preserving that objection in this deposition

8 transcript.

9 MR. STEPHENSON: You haven't clarified your objection.

10 What -- forget your objection.

11 BY MR. STEPHENSON:

12 Q. When you execute a writ of execution, in general --

13 let's start from the very beginning.

14 We want to be here all day, apparently.

15 When you execute a writ of execution, what -- you go to

16 the door with paperwork in your hand, correct?

17 A. Yeah.

18 Q. And that paperwork has -- one of the documents is a writ

19 of execution, correct?

20 A. Correct.

21 Q. And the attorney who issued -- or who obtained that writ

22 from the court is noted on the writ of execution, correct?

23 A. Yes.

24 Q. And sometimes that attorney's name is Mountain Land

25 Collections, sometimes it's Cherrington, sometimes it's Olson

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1 Shaner, sometimes it's LeBaron and Jensen; correct?

2 MR. HILL: I'm going to object again that getting into

3 the details of specific --

4 I'm going to raise the objection which is beyond the

5 scope of discovery and disproportionate, and as a result intended

6 to harass and annoy the witness.

7 You can answer to the best of your understanding.

8 A. What's your question again?

9 Q. Will you read the question back, please?

10 "Q. And sometimes that attorney's name is Mountain Land

11 Collections, sometimes it's Cherrington, sometimes it's Olson

12 Shaner, sometimes it's LeBaron and Jensen; correct?"

13 A. Sometimes, yes.

14 Q. And those writs of execution are public documents,

15 correct?

16 A. Correct.

17 Q. So the fact that you have those clients or any specific

18 client at all is not confidential in any way, shape or form, is

19 it?

20 MR. HILL: Objection, calls for legal conclusion.

21 Q. You can answer, it's okay.

22 A. Not to my knowledge.

23 MR. STEPHENSON: Let's go off the record real quick.

24 [Off the record at 10:49 a.m.]

25 [Back on record at 10:51 a.m.]



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1 BY MR. STEPHENSON:  
2 Q. Okay. Let's talk about Constable Kolkman LLC, the new  
3 company.  
4 You said its job is to serve writs of execution; is that  
5 right?  
6 A. Yeah.  
7 Q. Does that company serve any other documents?  
8 A. Not to my knowledge.  
9 Q. Kolkman Constable Services, the old company: is that the  
10 one that serves garnishments, writs of restitution, subpoenas,  
11 summons and complaints?  
12 A. Correct.  
13 Q. Did you ever get a legal opinion from an attorney prior  
14 to starting this new company?  
15 A. No.  
16 Q. Did Michael Erickson provide you anything from an  
17 attorney saying it's legal to run your company the way you are  
18 running it?  
19 A. No.  
20 Q. How many writs of execution does Constable Kolkman LLC  
21 serve in a given week?  
22 A. Kolkman Constable Services?  
23 Q. The new company, Constable Kolkman LLC.  
24 A. How many do we serve in a week?  
25 Q. Yeah.

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1 A. Oh, anywhere from 20-plus.  
2 Q. And those are served how?  
3 A. By service: by either being served to the plaintiff or  
4 by a letter.  
5 Q. And what do you mean served to the plaintiff?  
6 A. Pardon?  
7 Q. What do you mean by being served to the plaintiff?  
8 A. When we actually -- not to the plaintiff, but to the  
9 defendant.  
10 A. Okay. So that was a mistake when you said plaintiff;  
11 you meant defendant, right?  
12 A. Oh, yeah. Sorry.  
13 Q. No big deal. It just confused me. And the echo doesn't  
14 help, honestly.  
15 A. No.  
16 Q. Okay. So some of these, you serve by mail?  
17 A. We have, yes.  
18 Q. And some you serve by personally handing them to the  
19 defendant?  
20 A. Or someone who resides there by the legal definition of  
21 getting a paper served.  
22 Q. And how many of that 20-plus writs of execution that you  
23 serve weekly are by mail compared to in person?  
24 A. The majority is by person.  
25 Q. And is mailing the writ of execution considered proper

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1 service of process of a writ of execution?  
2 MR. HILL: Objection, calls for a legal conclusion.  
3 Q. You can answer, it's okay.  
4 A. When we mail one to an individual, it is because they've  
5 called our office from a letter or notice.  
6 We let them know what we have and what it's about and if  
7 they are all right with receiving it by mail.  
8 Q. You only mail writs of execution when the person, the  
9 defendant, tells you it's okay to mail it?  
10 A. Correct.  
11 Q. Is looking in people's windows and pounding on their  
12 doors and looking in their car windows part of serving these writs  
13 of execution?  
14 MR. HILL: I'm going to object to that as irrelevant,  
15 beyond the scope of discovery, disproportionate to the issues in  
16 this case, only intended to harass or annoy the witness.  
17 A. As far as I know, we don't do that.  
18 Q. Okay. You don't look in people's windows when you serve  
19 papers?  
20 MR. HILL: Objection. Same objection: intended to annoy  
21 harass.  
22 A. Yes, if we're walking up the sidewalk and the windows  
23 are right there, yeah, we would look in there.  
24 Q. You don't go out, step onto the grass or into a planter  
25 bed and look with your face up against a window?

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1 MR. HILL: Same objection: annoy/harass.  
2 A. No.  
3 Q. And why wouldn't you do that; why wouldn't you want to  
4 see who's home?  
5 MR. HILL: Objection, intended to annoy/harass the  
6 witness.  
7 MR. STEPHENSON: You're obstructing my deposition, by  
8 the way.  
9 And we are going to put an end of this in a little  
10 while, and then I'm going to go after fees and costs.  
11 MR. HILL: We're about ready to put a termination to  
12 this to seek a protective order.  
13 MR. STEPHENSON: Really?  
14 MR. HILL: So we're fine with this being --  
15 MR. STEPHENSON: Oh, I would love that. That would be  
16 much better.  
17 Why don't you do this: why don't you go ahead and answer  
18 that question.  
19 And then let's give him a break to cool down because  
20 he's shaking right now.  
21 MR. HILL: I am fine.  
22 BY MR. STEPHENSON:  
23 Q. Why don't you go ahead and answer the question: why is  
24 it that you don't --  
25 MR. HILL: I object to the mischaracterization of my

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<p style="text-align: right;">Page 38</p> <p>1 behavior on the record.</p> <p>2 You are welcome to answer the question.</p> <p>3 Q. Please answer the question: why don't you look through</p> <p>4 windows and put your face up against windows to see who's inside?</p> <p>5 MR. HILL: Subject to the same objection.</p> <p>6 A. I personally do not do that.</p> <p>7 Q. Right, but why?</p> <p>8 A. I would glance as I'm walking by to see what there is in</p> <p>9 there, as far as if there's a threat to me. But to do that as a</p> <p>10 peeping tom, I do not condone that and I have never done that.</p> <p>11 Q. And why?</p> <p>12 MR. HILL: Same objection: annoy and harass.</p> <p>13 A. It's just not ethical.</p> <p>14 MR. HILL: I think this would be a good time to take a</p> <p>15 break, as you had suggested, as I would like to confer with my</p> <p>16 client.</p> <p>17 MR. STEPHENSON: He's still under oath. So go ahead,</p> <p>18 and I'll ask him questions about it.</p> <p>19 MR. HILL: Understood.</p> <p>20 [Off the record at 10:57 a.m.]</p> <p>21 [Back on record at 11:05 a.m.]</p> <p>22 MR. HILL: In light of the last question that was</p> <p>23 answered and the repeated history of questions that have been</p> <p>24 objected to in this deposition, we are going to suspend and</p> <p>25 terminate this deposition for the purpose under Rule 30(b) --</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. HILL: You can -- I'm not interrupting you.</p> <p>2 MR. STEPHENSON: Okay. You look like you are, the way</p> <p>3 you're talking in the air.</p> <p>4 MR. HILL: Again, I object to his mischaracterization of</p> <p>5 my behavior.</p> <p>6 I said nothing while he was in the process of finishing</p> <p>7 his question and your statement, and you're entitled to continue</p> <p>8 doing so.</p> <p>9 MR. STEPHENSON: Your head was bobbing and your mouth</p> <p>10 was opening and closing like you were speaking.</p> <p>11 So let me be sure I understand this: even though I have</p> <p>12 other questions that I could ask, -- and you haven't heard those</p> <p>13 questions yet -- it's your -- you think that those questions are</p> <p>14 all going to be irrelevant, and that's why you want to terminate?</p> <p>15 MR. HILL: Eric, you know as well as I do that I don't</p> <p>16 know what your questions are. But the questions you've asked thus</p> <p>17 far and continue to ask are objectionable and harassing.</p> <p>18 And we're entitled to suspend the deposition under Rule</p> <p>19 30(d)(3) to get a ruling on that before we continue. And that is</p> <p>20 what we are doing.</p> <p>21 Thank you for describing your position, but we will --</p> <p>22 yes, that that's the process of suspending a deposition under Rule</p> <p>23 30(d)(3) is you don't get to the end of it and then suspend it.</p> <p>24 MR. STEPHENSON: I'm trying to meet and confer. I'm</p> <p>25 trying to discuss this with you so we can avoid that if we can.</p>
<p style="text-align: right;">Page 39</p> <p>1 sorry, 30(c) -- sorry, under Rule 30(d)(3), to terminate the</p> <p>2 deposition for the purpose of seeking a protective order.</p> <p>3 MR. STEPHENSON: And the protective order is based on</p> <p>4 what?</p> <p>5 MR. HILL: Well, on the continuing annoyance and</p> <p>6 harassment of the witness by asking questions that are beyond the</p> <p>7 scope of discovery and outside the scope of proportionality for</p> <p>8 this case and the inability to get resolution on that dispute.</p> <p>9 MR. STEPHENSON: Can you give me an example?</p> <p>10 MR. HILL: Eric, we will be bringing our motion for</p> <p>11 protective order.</p> <p>12 We've already met and conferred on the record about your</p> <p>13 challenging the objections and protective order requests that I've</p> <p>14 made.</p> <p>15 I think you have your examples. We've met and conferred</p> <p>16 and you already indicated that.</p> <p>17 The other examples will be indicated in our motion for</p> <p>18 protective order.</p> <p>19 And we'd ask for an expedited copy of the transcript</p> <p>20 thus far.</p> <p>21 MR. STEPHENSON: Well, I'd like to have some</p> <p>22 conversation with you before you just terminate this. Because</p> <p>23 we've obviously got a lot of questions and I've traveled a long</p> <p>24 way and expended a lot of -- you're not going to let me finish my</p> <p>25 sentence?</p>	<p style="text-align: right;">Page 41</p> <p>1 Are you open to avoiding that suspension and letting me</p> <p>2 continue?</p> <p>3 We do have a judge that I've called twice now.</p> <p>4 MR. HILL: I understand.</p> <p>5 MR. STEPHENSON: And we could wait for that.</p> <p>6 MR. HILL: Well, we don't have to sit here -- we don't</p> <p>7 know if the judge is going to get back to us today or not. We</p> <p>8 don't have to sit here indefinitely.</p> <p>9 And based on the questions you've continued to ask in</p> <p>10 the face of the ongoing objections, yes, I believe you are in a</p> <p>11 line of questioning that will continue to be objectionable and</p> <p>12 there is no purpose.</p> <p>13 I think the intent is to get the judge's ruling on the</p> <p>14 nature of the harassment and annoyance and the scope of a</p> <p>15 protective order before we continue.</p> <p>16 I do agree with -- I do -- I maintain that position.</p> <p>17 MR. STEPHENSON: Help me understand the scope of your</p> <p>18 protective order, then.</p> <p>19 What are you asking for specifically; how am I --</p> <p>20 No, because this is part of our meet and confer.</p> <p>21 If I can limit my question -- let me finish before you</p> <p>22 interrupt.</p> <p>23 MR. HILL: I had not started --</p> <p>24 MR. STEPHENSON: If I could finish -- you've got this</p> <p>25 this incredible effect to you that you don't want to let me</p>



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1 finish.

2 But if I can ask questions, if you can help me ask

3 questions -- tell me how I can ask a question that is satisfactory

4 to you that is not going to harass your client.

5 He doesn't seem harassed to me.

6 MR. HILL: Eric. We had, now in the first hour, at

7 least a dozen questions, if not more, where you're asking

8 questions about matters that do not pertain to this action.

9 I've articulated that the grounds for why they are

10 annoying and harassing, already in connection with the objections,

11 you don't seem to want to learn or change your pattern of behavior

12 in light of those objections because you continue to ask ongoing

13 questions in the same vein as the prior objections.

14 So no, I don't see any value to continuing and allowing

15 you to --

16 You've already established an unwillingness to change

17 your behavior in the face of already existing objections.

18 And rather than meet and confer, you called the judge

19 looking for direction which we haven't gotten an answer from.

20 We're going to go to the judge and get the same

21 direction that you're seeking in the purpose of the voicemail that

22 you left the judge.

23 MR. STEPHENSON: Well, I'm willing to change my behavior

24 so I will stop offending you.

25 What I'd like to do is be able to ask questions and not

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1 have a relevancy objection, because that's not a proper objection.

2 And you've made it enough times that it's not proper

3 Confidentiality: you don't have to make that during.

4 You can if you want, but you don't have to. You can actually make

5 that later on. And under the standard protective order, that's

6 totally fine.

7 But I'm not harassing the witness by asking him

8 questions about his business conduct, what he does, and how he

9 does it. That's totally within the scope of this --

10 First of all, it doesn't matter if it's relevant or not:

11 I can ask him what he likes for breakfast, and he would have to

12 answer. You know that.

13 But I'm not asking him questions that are irrelevant.

14 What I'm asking him for is questions that pertain

15 directly to how he conducts business and what that business is.

16 MR. HILL: And I'm going to object to your

17 characterization that you are trying to ask questions that don't

18 offend me.

19 Nothing about this is about my offense; this is about

20 your treatment of the witness, my client, that I am protecting.

21 Yes, you can ask him questions about what he had for

22 breakfast. And yes, he has to answer.

23 That does not make that question insulated from being an

24 annoyance or harassment when it's beyond the scope of the

25 discovery.

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1 And that's what we're dealing with here.

2 Yes, we have not instructed the witness not to answer

3 any questions thus far.

4 We've preserved objections. And notwithstanding the

5 preserving of those objections, you are continuing to ask

6 questions that are outside of what is relevant to this matter,

7 beyond the scope of discovery. And at some point, that becomes

8 annoying and harassing.

9 And so no, I don't know how to instruct you what

10 questions to ask that would not be offensive. I don't know what

11 your questions are that you have lined up other than those that

12 relate to the issues in the pleading, the complaint, the matters

13 in the causes of action alleged in this action.

14 And you've gone well beyond that. And we've preserved

15 our objections.

16 You don't believe you're going beyond that; we'll bring

17 our motion for protective order.

18 MR. STEPHENSON: Okay. If there's nothing I can do to

19 meet and confer with you and satisfy you.

20 MR. HILL: We've met and conferred. Don't --

21 MR. STEPHENSON: I understand that.

22 MR. HILL: Don't put in this deposition that we're

23 unwilling to meet and confer, because that's not true.

24 MR. STEPHENSON: We're conferring now; you've fully

25 satisfied that.

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1 My concern is that I'm not sure how I've been unable to

2 satisfy you. Because I'm ready to proceed, I've paid a fortune to

3 be here, I spent my time to be here.

4 And that's the perfect smile to show how much -- your

5 contempt for me and why this is -- you're interfering with my

6 ability to take this deposition with your questions.

7 And I'm going to ask for sanctions for the way you've

8 interfered so far.

9 But now you're actually terminating, and I am going to

10 ask for sanctions on that.

11 And I know you're not concerned about that and nobody

12 cares, but I do. I have a job to do.

13 He's willing to answer my questions. He's been

14 extremely cooperative.

15 It's just you that hasn't been.

16 MR. HILL: I object to that characterization.

17 MR. STEPHENSON: Of course, you do.

18 MR. HILL: Again, this is not personal between the

19 attorneys, and you're making it personal between the attorneys.

20 MR. STEPHENSON: Not at all.

21 MR. HILL: I am protecting my client's interest.

22 I think we've said enough on the record. I don't have


23 anything further to say.

24 We'll see you in the briefing on the protective order.

25 MR. STEPHENSON: Okay. I guess that's all we can do.

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1	[Adjourned at 11:14 a.m.]	1	REPORTER'S CERTIFICATE
2		2	STATE OF UTAH )
3		3	COUNTY OF UTAH )
4		4	I, Spencer Von Jarrett, a Certified Shorthand Reporter,
5		5	Registered Professional Reporter, hereby certify:
6		6	THAT the foregoing proceedings were taken before me at
7		7	the time and place set forth in the caption hereof; that the
8		8	witness was placed under oath to tell the truth, the whole truth,
9		9	and nothing but the truth; that the proceedings were taken down by
10		10	me in shorthand and thereafter my notes were transcribed through
11		11	computer-aided transcription; and the foregoing transcript
12		12	constitutes a full, true, and accurate record of such testimony
13		13	adduced and oral proceedings had, and of the whole thereof.
14		14	I have subscribed my name on this 22nd day of April,
15		15	2024.
16		16	
17		17	Spencer Von Jarrett
18		18	Registered Professional Reporter #993793
19		19	
20		20	
21		21	
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1	CERTIFICATE OF DEPONENT
2	PAGE LINE CHANGE
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16	
17	
18	I, Rob Kolkman, deponent herein, do hereby certify and
19	declare under penalty of perjury the within and foregoing
20	transcription to be my deposition in said action; that I have
21	read, corrected, and do hereby affix my signature to said
22	deposition.
23	
24	Rob Kolkman, Deponent
25	



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